

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

ROCKY ALLEN HURYTA,	)	
	)	
Petitioner,	)	
	)	
v.	)	
	)	
MENTAL HEALTH BOARD,	)	
	)	
Respondent.	)	

4:14CV3016

**MEMORANDUM  
AND ORDER**

This matter is before the court on its own motion. Petitioner Rocky Huryta (“Petitioner”) has filed a Petition for Writ of Habeas Corpus (“Petition”) pursuant to 28 U.S.C. § 2254. (Filing No. 1.) The Petition is nonsensical. As best as the court can tell, Petitioner challenges a civil commitment order of the Ninth Judicial District Mental Health Board. *See Duncan v. Walker, 533 U.S. 167, 176 (2001)* (“[F]ederal habeas corpus review may be available to challenge the legality of a state court order of civil commitment . . . .”).

Rule 4 of the *Rules Governing Section 2254* cases requires this court to conduct a preliminary review of habeas corpus petitions. During this review, the court must determine whether it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court. If this is the case, the court must dismiss the petition.

Here, the court cannot effectively conduct its preliminary review of the Petition because it is nonsensical and, as best as the court can tell, Petitioner does not state any grounds on which he claims he is being held in violation of the Constitution, laws, or treaties of the United States. On the court’s own motion, the court will give Petitioner 30 days in which to file an amended petition for writ of habeas corpus that clearly sets forth his claims for relief together with the facts in support of those claims.

IT IS THEREFORE ORDERED that:

1. Petitioner will have 30 days from the date of this Memorandum and Order to file an amended petition for writ of habeas corpus that clearly presents his claims for relief together with the facts in support of those claims. Failure to file an amended petition for writ of habeas corpus may result in dismissal of this matter without further notice.
2. The clerk's office is directed to set a pro se case management deadline in this case using the following text: July 21, 2014: deadline for Petitioner to file an amended petition for writ of habeas corpus.
3. The clerk's office is directed to send to Petitioner the Form AO 241, Petition for Relief From a Conviction or Sentence By a Person in State Custody.

DATED this 19<sup>th</sup> day of June, 2014.

BY THE COURT:

s/ Joseph F. Bataillon  
United States District Judge

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